

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BRANDON SMITH,)
)
Plaintiff,)
) Case No. 3:22-cv-00622
v.)
) Chief Judge Waverly D. Crenshaw, Jr.
SOO W. KIM and)
SOONJA KIM,) Magistrate Judge Jeffrey S. Frensley
)
Defendants.)
)

ORDER DENYING MOTION FOR ENTRY OF DEFAULT

On October 10, 2022, Plaintiff Brandon Smith filed a Motion for Entry of Default against Defendants Soo W. Kim and Soonja Kim. (Doc. No. 14). Pursuant to Local Rule 55.01, “[m]otions for entry of default under Fed. R. Civ. P. 55(a) *must be accompanied by an unsworn declaration under penalty of perjury under 28 U.S.C. § 1746* verifying: (i) proof of service; (ii) the opposing party’s failure to plead or otherwise defend; (iii) if the opposing party is an individual, that the opposing party is not a minor or incompetent person; and, (iv) if the opposing party is an individual, that the opposing party is not in the military service, as required by 50 U.S.C. § 3931(b)(1).” L.R. 55.01 (emphasis added). Plaintiff’s Motion is procedurally defective as it fails comply with Local Rule 55.01. Accordingly, Plaintiff’s Motion for Entry of Default (Doc. No. 14) is **DENIED** without prejudice.

s/ Lynda M. Hill
Lynda M. Hill
Clerk of Court